

DEPARTMENT OF VETERANS AFFAIRS  
Justification and Approval  
For  
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, NCO 15, Leavenworth, KS. Harry S Truman Memorial Veterans Medical Center. The Director of Facilities Management requests an Emergency Purchase for the repair of Air Handling Unit 6(AHU-6). We are requesting an award with a Justification for Other Than Full and Open Competition to expedite the repair of this unit. The NTE price for this work is \$59,422.00. The 2237 No. is 589-12-2-5334-0267.

2. **Nature and/or Description of the Action Being Processed:** This is an emergency repair to an existing air handler located in the ACA at Columbia VA Medical Center. The unit is approximately 14 years old and is not associated with any current or pending project, either in design or in construction, for replacement. The action to be taken for this task is to replace three chill water coil sections that were damaged as a result of being exposed to extreme cold temperatures.

This will be a new award to a local, large business HVAC contractor (Harold G Butzer Inc. Mechanical Contractors and Engineers (HGB)) that is currently working on several projects at the facility. The contractor has submitted a NTE proposal of \$59,422.00 to replace the damaged coil sections.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The work associated with this task is to remove the damaged coil sections (chill water), remove piping that tie into the coils, furnish and install new coil sections, reconnect the supporting piping and replace insulation. This also includes disposal of damaged materials.

4. **Statutory Authority Permitting Other than Full and Open Competition:**

- ( ) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- ( x ) (2) Unusual and Compelling Urgency per FAR 6.302-2;
- ( ) (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- ( ) (4) International Agreement per FAR 6.302-4
- ( ) (5) Authorized or Required by Statute FAR 6.302-5;
- ( ) (6) National Security per FAR 6.302-6;
- ( ) (7) Public Interest per FAR 6.302-7;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

b. **Unusual and Compelling Urgency (FAR 6.302-2, 6.303-2(a)(9)(ii))** – The need for this award is to provide immediate repair to a damaged air handler. The unit (AHU -6) serves a research lab and other support areas. The risk associated with having the chill water coil sections damaged is that we do not have the ability to cool the air going into the research space. The research areas contain high tech equipment that is worth millions of dollars and is very susceptible to differing environmental conditions, not only temperature, but humidity as well. Delay in the award of this contract could result in serious



financial injury to the government as the potential costs to repair or replace damaged technical equipment resulting from this air handler breakdown far exceeds the cost to repair the damaged air handler through a competitive process.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The contracting officer queried Vet Biz on 14 February 2012 for NAICS coded 238220 (Plumbing, Heating, and Air-Conditioning Contractors) and determined there were 12 SDVOSB HVAC contractors in the area that could potentially do the work. The contracting officer also queried CCR to determine the number of HVAC small businesses in the Columbia area for NAICS code 238220. CCR showed there were 11 potential small business contractors that could do the work. On 14 February 2012, the contracting officer contacted three SDVOSB HVAC firms from the St. Louis Area and one from Columbia. Two SDVOSB firms, M&S Plumbing and Innovet, both from St. Louis, declined to submit a quote. At the time that this J&A was submitted, the contracting officer was still waiting to receive the quotes from the other two SDVOSB HVAC contractors, James Pounds Construction and JW Fuller. The urgency of this procurement has multiplied while initial efforts to seek competition have taken place without success. Given an on-going buildup of heat and humidity around the equipment at issue, it has been determined that further delay creates an unacceptable risk of financial harm to other, more expensive medical equipment, that justifies immediate sole sourcing.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Based on the customer's independent government estimate of \$63,800.00, and the cost of the necessary repairs by the contractor currently on-site is reduced by the fact that they are on site and can easily proceed with this necessary work, the cost is determined to be fair and reasonable.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted using Vet Biz and CCR for NAICS code 238220. Based on the market research, there were potentially 12 SDVOSB HVAC and 11 small business HVAC contractors that could do the work, but given the delays inherent with efforts to compete this repair, a departure from full and open competition is necessary. The potential cost of damage or repairs to other expensive medical equipment impacted by the breakdown of this air handler far outweigh any risk of potentially achieving cost savings through competition.

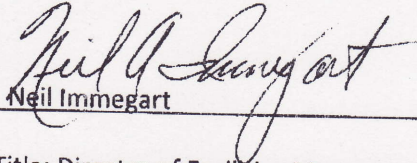
**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** Although there are additional HVAC small business firms that can do this work, this emergency situation justifies the award of this sole source repair contract to Harold G. Butzer, a large HVAC contractor, by virtue of the fact that it is readily available and willing to do the work on short notice, thereby potentially avoiding serious financial injury to the government, and a potential loss of crucial healthcare equipment and systems to our veterans.

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** At the time this J&A was created, the contracting officer is waiting on quotes from two SDVOSB firms.

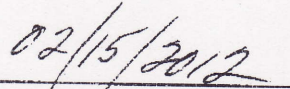
**11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** This type of emergency repair is difficult to plan for. In the future, the facility will make every effort to contact a SDVOSB, VOSB or small business firm to provide quotes as soon as the problem is identified. Other than immediate response to such emergencies, the facility can only plan to replace aging equipment, subject to budgetary considerations, before such equipment fails and creates an emergency.



**12. Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

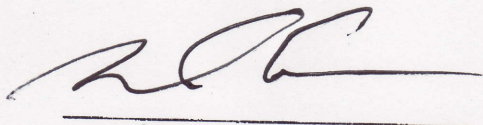
  
Neil Immegart

Title: Director of Facilities Management  
Facility: 589A4

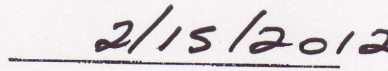
  
Date

**13. Approvals in accordance with FAR 6.304**

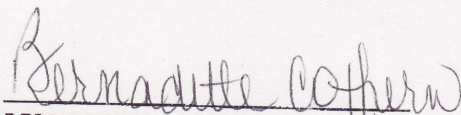
a. **Contracting Officer's Certification:** (required) I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



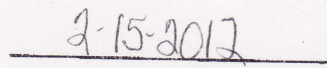
MIKE CRADER  
CONTRACTING OFFICER  
NCO 15

  
Date

b. **NCM/PCM:** I certify the justification meets requirements for other than full and open competition.



BERNADETTE COTHERN  
NETWORK CONTRACT MANAGER  
NCO 15

  
Date